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No. 243

IN THE

Supreme Court of the United States

OCTOBER TERM, 1947

HOMER L. BRUCE ET UX, CLARA C. BRUCE, *Petitioners*,

v.

J. P. KING, JR., *Respondent*

On Petition for a Writ of Certiorari to the Supreme Court of the State of Texas

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MEMORANDUM FOR THE RESPONDENT

Opinions Below

The opinion of the Court of Civil Appeals (R. 44) is reported at 197 S.W.2d 830; that of the Supreme Court of Texas (R. 83) at 201 S.W.2d 803.

Jurisdiction

This is a case in which this Court has jurisdiction under Section 237, as amended, of the Judicial Code, which is Section 344(b), Title 28, United States Code.

Questions Presented

These are adequately presented under heading 5 o the petition for certiorari.

Statutes Involved

These are set forth in Appendix A to the brief i support of the petition for writ of certiorari.

Statement of the Case

The statement set forth by petitioners under hea ing 1 of the petititon for writ of ceriorari is fu and adequate.

Argument

For reply to the petition for writ of ceriorari an the brief in support thereof, the respondent presen to this Court the same points, argument and author ties as were made by the respondent under his Firs Second and Fourth Points in his application for wri of error to the Supreme Court of Texas. Thes points are set out at pages 68-69 of the record an respondent's argument and authorities under them respectively, may be found at pages 69-76, and page 77-80 of the record. Respondent respectfully ask that this Court refer to those points and the argu ment and authorities thereunder as fully setting ou this respondent's reply to petitioners.

In the event that this Court should grant the pet tion for certiorari, respondent agrees that it may

transferred to the summary docket of this Court as requested by petitioners at the conclusion of their petition.

Respectfully submitted,

R. K. HANGER
Attorney for Respondent

CANTEY, HANGER, MCMAHON,
MCKNIGHT & JOHNSON
Of Counsel